

House Bill 35

By: Representative Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 37 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding administration of mental health, developmental
3 disabilities, addictive diseases, and other disability services, so as to provide for the
4 Community Service Board Overview Commission; to provide for such commission's
5 organization, vacancies, duties, powers, and expenditures; to provide for the appointment,
6 qualifications, terms, compensation, allowances, and expenses of members; to provide for
7 commission assistance, staffing, and services; to provide for community service board
8 cooperation; to provide for reports; to provide for legal enforcement; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 2 of Title 37 of the Official Code of Georgia Annotated, relating to
13 general provisions regarding administration of mental health, developmental disabilities,
14 addictive diseases, and other disability services, is amended by adding a new Code section
15 at the end thereof, to be designated Code Section 37-2-12, to read as follows:

16 "37-2-12.

17 (a) There is created the Community Service Board Overview Commission to be composed
18 of four members of the House of Representatives appointed by the Speaker of the House
19 and four members of the Senate appointed by the Senate Committee on Assignments. The
20 members of the commission shall serve two-year terms concurrent with their terms as
21 members of the General Assembly. A cochairperson of the commission shall be appointed
22 by the Senate Committee on Assignments from the membership of the commission, and a
23 cochairperson of the commission shall be appointed by the Speaker of the House from the
24 membership of the commission. The cochairpersons shall serve terms of two years
25 concurrent with their terms as members of the General Assembly. Vacancies in an
26 appointed member's position or in the offices of cochairperson of the commission shall be

1 filled for the unexpired term in the same manner as the original appointment. The
2 commission shall periodically inquire into and review the operations of the community
3 service boards, as well as periodically review and evaluate the success with which the
4 community service boards are accomplishing their statutory duties and functions as
5 provided in this article.

6 (b) The state auditor, the Attorney General, and all other agencies of state government,
7 upon request by the commission, shall assist the commission in the discharge of its duties
8 set forth in this Code section. The commission may employ not more than two staff
9 members and may secure the services of independent accountants, engineers, and
10 consultants.

11 (c) All community service boards shall cooperate with the commission, its authorized
12 personnel, the Attorney General, the state auditor, and other state agencies in order that the
13 charges of the commission, set forth in this Code section, may be timely and efficiently
14 discharged. All community service boards shall submit to the commission such reports and
15 data as the commission shall reasonably require of the community service boards in order
16 that the commission may adequately perform its functions. The Attorney General is
17 authorized to bring appropriate legal actions to enforce any laws specifically or generally
18 relating to the community service boards. The commission shall, on or before the first day
19 of January of each year, and at such other times as it deems necessary, submit to the
20 General Assembly a report of its findings and recommendations based upon the review of
21 the community service boards, as set forth in this Code section.

22 (d) In the discharge of its duties, the commission shall evaluate the performance of
23 community service boards consistent with the following criteria:

- 24 (1) Prudent, legal, and accountable expenditure of public funds;
- 25 (2) Efficient operation; and
- 26 (3) Performance of their statutory responsibilities.

27 (e) The commission is authorized to expend state funds available to the commission for
28 the discharge of its duties. Said funds may be used for the purposes of compensating staff
29 personnel, paying for services of independent accountants, engineers, and consultants, and
30 paying all other necessary expenses incurred by the commission in performing its duties.

31 (f) The members of the commission shall receive the same compensation, per diem,
32 expenses, and allowances for their service on the commission as is authorized by law for
33 members of interim legislative study committees.

34 (g) The funds necessary for the purposes of the commission shall come from the funds
35 appropriated to and available to the legislative branch of government."

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- SECTION 2.
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- All laws and parts of laws in conflict with this Act are repealed.